

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

In the Matter of:
PUBLIC HEARING:

RE: EPA'S DRAFT OUTER CONTINENTAL SHELF CLEAN AIR ACT
PERMIT FOR SOUTH FORK WIND, LLC,
130 MEGAWATT OFFSHORE WINDFARM

Via Zoom

August 9, 2021

The above entitled matter came on for hearing,
pursuant to Notice at 7:09 p.m.

BEFORE:

PATRICK BIRD, Manager of Air Permits,
Toxics and Indoor Programs Branch
ERIC WORTMAN, Air permit Specialist
UNDINE KIPKA, Air Permit Specialist
U.S. Environmental Protection Agency
New England Region I

APEX Reporting
(617) 426-3077

I N D E XSPEAKERPAGE

None

P R O C E E D I N G S

(7:09 p.m.)

HEARING OFFICER BIRD: So, good evening. My name is Patrick Bird. I am the hearing officer for today's public hearing.

With me is Lynne Hamjian, Cynthia Greene, Undine Kipka, Eric Wortman, Greg Dain, Rosa Beato and Daniel Myers of the Environmental Protection Agency Region One office.

We are here today at 7:09 p.m. on August 9, 2021 on a virtual platform to accept comments on the EPA's Draft Outer Continental Shelf or OCS preconstruction Clean Air Act permit for South Fork Wind, LLC, a 130 megawatt offshore windfarm.

On February 1, 2019, Deepwater Wind South Fork, LLC, or the applicant, now South Fork Wind, LLC, filed a permit application with EPA for the construction and operation of a 130 megawatt offshore windfarm which includes the wind development area, Bureau of Ocean Energy Management renewable energy lease area, OCS-A-0517. The work area for the project will be located approximately 19 statute miles southwest of Nomans Land, Massachusetts. An alternating current electric cable will connect South Fork Wind to the existing mainland electric grid in East Hampton, New York.

Based on information provided in the application, supplemental submittals from South Fork Wind and our own

1 professional expertise, EPA has drafted an air permit for
2 the development and operation of the 130 megawatt windfarm.

3 In brief, the draft permit sets limits on the
4 emissions from stationary air emitting devices in the wind
5 development area, sets limits on vessel based emissions
6 engaged in the construction and operation in the wind
7 development area when those vessels meet the definition of
8 an OCS source and requires South Fork Wind to obtain
9 necessary emission offsets for nitrogen oxide emitted during
10 the construction and operation in the wind development area.

11 Pursuant to Section 328 of the Clean Air Act, any
12 source meeting the definition of an OCS source must comply
13 with the applicable federal, state and local air quality
14 regulations of the corresponding onshore area. For the
15 purpose of this action, Massachusetts has been designated a
16 corresponding onshore area.

17 Federal rules require an opportunity for public
18 comment on the permitting agency's draft air permit. In
19 accordance with these requirements, EPA published a notice
20 in the Boston Globe, Providence Journal and the Standard
21 Times newspaper on June 24, 2021 that includes the
22 following, a description of the proposed project and draft
23 permit, notice of a 46 day public comment period and
24 provided the date of this hearing. The notice also included
25 information about EPA's Boston office website address where

1 copies of the proposed permit, the permit application, the
2 permit fact sheet and other supporting documents can be
3 found.

4 Today's hearing is a non-adversarial hearing
5 providing interested parties the opportunity to make oral
6 comments and/or submit written comments on the proposed
7 permit. There will be no cross examination from myself or
8 any commenters, any questions directed to a commenter from
9 myself or vice versa, will be for clarification purposes
10 only.

11 This public hearing is being recorded. It will
12 become part of the official administrative record for the
13 permitting action. However, to ensure the record's
14 accuracy, we do recommend that all parties provide written
15 statements as well as oral comments.

16 EPA's public hearing will end at 9:00 p.m., or at
17 8:00 p.m. if there are no more comments received, verbal
18 comments, that is.

19 The public comment period will close at 11:59 p.m.
20 on August 9, 2021. After the close of the public comment
21 period, EPA will review and consider all written and oral
22 comments received today and during the public comment
23 period.

24 EPA will prepare a document known as the response
25 to comments which will briefly describe and address

1 significant issues raised during the comment period and what
2 provisions, if any, of the draft permit have been changed
3 and the reasons for the change. The response to comments
4 document will accompany final permit for the South Fork Wind
5 Farm Clean Air Act permit.

6 EPA will mail the response to comments document
7 and the final permit to everyone who commented on the draft
8 permit or who requested a copy.

9 After the permit has been issued, anyone who
10 wishes to contest the final permit must file a petition for
11 review which is an appeal with the Environmental Appeals
12 Board known as the EAB in Washington, DC.

13 There are a couple of important things to remember
14 if you are considering appealing the final permit. First,
15 the petition for review must be received by the EAB within
16 30 days of the date that the final permit is issued. More
17 information on how exactly to calculate this period will be
18 included in an attachment to the final permit.

19 Second, only persons who file comments on the
20 draft permit during the public comment period, or who
21 provide comments during the public hearing may petition the
22 EAB to review final permit conditions.

23 Third, any person seeking review of a permit
24 decision must raise all reasonably ascertainable issues and
25 submit all reasonably available arguments supporting their

1 positions during the comment period, including, but not
2 limited to the public hearing. Issues or arguments that are
3 not raised during the comment period will not be considered
4 by the EAB on appeal.

5 There is one exception to this rule. Any person
6 who fails to file comments, or fails to participate in the
7 public comment period may petition the EAB only to the
8 extent of the changes from the draft to the final permit.

9 So, with all that said, before we begin receiving
10 comments, I ask that anyone who wishes to comment verbally
11 during this public hearing indicate their intention to do so
12 now in the chat. I do recognize we have some folks who are
13 joining us via telephone. And I will repeat the
14 instructions that were provided earlier. You could raise
15 your hand using star nine, that will indicate that you are
16 interested in providing verbal comments. Eric Wortman will
17 call on individuals sequentially to provide their verbal
18 comments.

19 I will allow a few moments for folks to either
20 indicate their intentions to provide verbal comments in the
21 chat, or for folks on the phone, to hit star nine to raise
22 their hand.

23 MR. WORTMAN: I don't see anyone wishing to make
24 comments in the chats.

25 Does anybody on the phone wish to make comments?

1 You can press star six to come up.

2 HEARING OFFICER BIRD: Okay. Hearing and seeing
3 no intention to raise verbal comments at this time, it is
4 7:17. I'm going to ask that we go off the record and should
5 anyone decide to raise verbal comments, please indicate your
6 attention in the chat and we will come off the record. If
7 no comments or intentions to raise verbal comments are
8 received by 8:00 o'clock, we will conclude the hearing.

9 So, we will go off the record for the time being.

10 (Off the record from 7:17 p.m. to 7:59 p.m.)

11 HEARING OFFICER BIRD: It is 7:59 on August 9,
12 2021.

13 I will offer up an opportunity for folks to
14 provide verbal comments one last time either for folks in
15 the zoom meeting or on the phone.

16 Okay. Hearing and seeing no indication of an
17 intent to provide verbal comments during this public
18 hearing, and consistent with the procedures we outlined in
19 the public notice document, I am going to close the public
20 hearing at 8:00 p.m. on August 9, 2021 for the South Fork
21 Wind Farm draft permit.

22 I thank everyone who did join us virtually and on
23 the phone. As stated earlier, any written comments that we
24 receive we will respond to in a formal response to comments
25 document which will accompany our final permit.

1 With that, I say good night and thank you.

2 (Whereupon, at 8:01 p.m., the public hearing was
3 concluded.)

4

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings
before: U.S. ENVIRONMENTAL PROTECTION AGENCY
in the Matter of:

RE: EPA'S DRAFT OUTER CONTINENTAL SHELF CLEAN AIR ACT
PERMIT FOR SOUTH FORK WIND, LLC,
130 MEGAWATT OFFSHORE WINDFARM

Place: Virtual

Date: August 9, 2021

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

MaryAnn Rooney

08/09/21

Reporter

Date